

REMARKS

Claims 1-6 are pending in the subject application. Favorable reconsideration in light of the remarks which follow is respectfully requested.

35 U.S.C. §102 Rejections

Claims 1-6 have been rejected under 35 U.S.C. §102(d) as being barred by applicant's Japanese Patent JP 11-170441 published on June 29, 1999. The Office asserts that:

This U.S. Patent application filed February 16, 2000 is a CIP of U.S. Patent application 09/207,709 filed December 9, 1998, which claims foreign priority of Japan 9-354027 filed December 9, 1997. The U.S. Patent application 09/207,709 was abandoned on January 8, 2000 prior to the filing date of this application. Therefore this application cannot claim foreign priority of Japan 9-354027, which is now Japan Patent JP 11-170441, issued June 29, 1999.

Applicants respectfully traverse this rejection. Applicants respectfully submit that U.S. Patent application 09/207,709, which was unintentionally abandoned on January 8, 2000, has now been revived. In particular, on June 3, 2003, Applicants filed a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) along with the proper fee, reply (petition and fee for extension of time) and statement that the entire delay was unintentional. This Petition has now been granted and a copy of the Decision Granting Applicants' Petition is enclosed.

Accordingly, Applicants respectfully submit that the present application properly claims priority from U.S. Patent Application 09/207,709 filed December 9, 1998, which, in turn, claims foreign priority of Japan 9-354027 (laid open No. 11-17041) filed December 9, 1997. Thus, the present application is not barred by Applicants' Japanese application 9-354027 (laid open No. 11-17041). Reconsideration and withdrawal of the rejection is respectfully requested.

Applicants further note that since U.S. Patent Application 09/207,709 was filed after June 8, 1995, a Terminal Disclaimer is not required in this application.

CONCLUSION

Reconsideration and allowance of claims 1-6 is respectfully requested in view of the foregoing discussion. This case is believed to be in condition for immediate allowance. Applicant respectfully requests early consideration and allowance of the subject application.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

Respectfully submitted,

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